

ESTTA Tracking number: **ESTTA600041**Filing date: **04/23/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Hells Angels Motorcycle Corporation
Granted to Date of previous extension	04/26/2014
Address	PO Box 181 Yucaipa, CA 92399-0181 UNITED STATES

Attorney information	FRITZ CLAPP PO BOX 2517 BEVERLY HILLS, CA 90213 UNITED STATES mail@fritzclapp.com Phone:888-292-5784
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**Applicant Information**

Application No	86011335	Publication date	02/25/2014
Opposition Filing Date	04/23/2014	Opposition Period Ends	04/26/2014
Applicant	Lambert, Claude 108 Richard st. Saint John, E2J1C2 CANADA		

**Goods/Services Affected by Opposition**


Class 040. First Use: 2013/01/22 First Use In Commerce: 2013/02/20  
All goods and services in the class are opposed, namely: Custom manufacture of embroidered patches, and label pins

**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

**Mark Cited by Opposer as Basis for Opposition**

U.S. Application No.	86132748	Application Date	12/02/2013
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	FILTHY FEW
Design Mark	
Description of Mark	NONE
Goods/Services	Class 200. First use: First Use: 1966/12/31 First Use In Commerce: 1966/12/31 Indicating membership in an association of motorcyclists

Attachments	86132748#TMSN.jpeg( bytes ) pleading.pdf(17426 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/fritz clapp/
Name	FRITZ CLAPP
Date	04/23/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 86011335  
Published in the Official Gazette on February 25, 2014  
Trademark: FILTHY FEW

Hells Angels Motorcycle Corporation,

Opposer,

v.

Claude Lambert,

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

NOTICE OF OPPOSITION

Hells Angels Motorcycle Corporation ("Opposer"), a California corporation, with a principal place of business at P.O. Box 181, Yucaipa, CA 92399, believes it will be damaged by registration of the mark FILTHY FEW shown in Application Serial No. 86011335, and hereby opposes the same.

As grounds for opposition, Opposer alleges:

1. Claude Lambert ("Applicant") on July 16, 2013 filed a trademark application, Serial No. 86011335 (the "Application"), to register the mark FILTHY FEW (the "Proposed Mark") for use in connection with "custom manufacture of embroidered patches, and label pins" in International Class 40.
2. The Application was published for opposition in the Official Gazette on February 25, 2014.
3. Opposer filed a Request for Extension of Time to Oppose on March 4, 2014, requesting a 30-day extension until April 26, 2014 to file a Notice of Opposition.

4. Opposer, through its predecessors-in-interest and affiliated licensees (the authorized charters of the Hells Angels Motorcycle Club), has used "FILTHY FEW" in the United States for over forty-six years as a collective membership mark.

5. Opposer and its licensees have used the "FILTHY FEW" mark in the form of an embroidered patch to indicate membership according to the rules and practices of the organization.

6. Opposer and its licensees have adopted and continue to exercise legitimate control over the use of the "FILTHY FEW" collective membership mark.

7. Through decades of continuous use by Opposer, its predecessors-in-interest, and licensees, the "FILTHY FEW" mark has come to be recognized by the public as signifying the Hells Angels Motorcycle Club. As a result, Opposer is the owner of substantial secondary meaning and goodwill in connection therewith.

8. Applicant's Proposed Mark is identical to Opposer's mark, and is likely to cause confusion and mistake, or to deceive as to the source of origin of Applicant's goods or services by creating the erroneous impression that Applicant's goods or services originate with, are sponsored by, approved or endorsed by, licensed by, affiliated or associated with, or are in some other way legitimately connected to Opposer or its licensees.

9. Applicant falsely alleged that Applicant has used the Proposed Mark to identify services in International Class 40.

10. Applicant's alleged use of the Proposed Mark began after Opposer's mark became famous and will and/or may dilute the strength of Opposer's mark by lessening the capacity of Opposer's mark to identify and distinguish the exclusive membership of Opposer's licensees.

11. Registration of Applicant's mark on the Principal Register of the United States Patent and Trademark Office in International Class 40 would presumptively give to Applicant prima facie exclusive ownership and rights to the same and would therefore cause confusion and uncertainty and damage the interests of Opposer and its licensees, by placing Applicant in a position to raise doubts as to the right of Opposer and its licensees to use the mark. As a result,

Opposer's mark will eventually be deprived of all distinctiveness, since Applicant's use will blur Opposer's mark and the association which said mark has come to convey.

12. Opposer has not and does not consent in any way to Applicant's proposed use of the mark referenced herein.

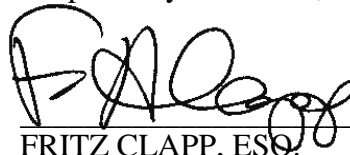
13. Based on the foregoing, registration of the mark depicted in the Application will cause injury and damage to Opposer.

14. Applicant is therefore not entitled to registration of the Proposed Mark and is not entitled to the exclusive use thereof.

WHEREFORE, Opposer requests that the Application be refused and that this opposition be sustained.

Dated: April 23, 2014

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Fritz Clapp', written over a horizontal line.

FRITZ CLAPP, ESQ.  
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HELLS ANGELS MOTORCYCLE CORPORATION